

# REGULATIONS FOR THE CONTROL OF ANIMALS IN THE TOWN OF WALPOLE

The Board of Health of the Town of Walpole, acting under the authority of Section 31 and Section 155, of Chapter III of the General Laws and amendments and additions thereto, and by any other powers thereto, enabling and acting thereunder and in accordance therewith have, in the interest of and for the preservation of the public health, duly made and adopted the following regulations for the control of animals in the Town of Walpole.

## Section 1 Definitions

- a. **Approving Authority** shall be the Board of Health or its designated representative.
- b. **Animal Permits** shall be the Permit granted by the Town of Walpole Board of Health to keep animals other than Household Pets within the Town of Walpole.
  - Active Permit** – animals are on or may be on the Property. Property will be subject to annual inspection by Approving Authority
  - Inactive Permit** – animals are not currently on the Property. Annual inspections will be suspended until such time as Permit is activated.
- c. **Persons** shall be an individual partnership, corporation, firm, association or group including a city, town, county or other governmental units.
- d. **Abutters** shall be any land owner or lessee whose property is within three hundred (300) feet for the applicants property.
- e. **Stable, Pen or Housing** is a building or enclosure used to house or confine one or more animals and to store the food supplies normally associated with the keeping of animals.
- f. **Corral or Paddock** is a fenced area designed to allow for the free roaming of animals.
- g. **Horse** is a riding or draft animal including horses, ponies, mules, donkeys or any other solid hoofed animal.
- h. **Grazing Animals** are animals that in their natural state depend upon grazing and foraging of grasses as a major component of their diet including but not limited to horses, cattle, llamas, deer and buffalo. For the purposes of issuing a Permit for a given number of Grazing Animals the following shall be considered equivalent and each will be regarded as a single “Grazing Animal” as follows:

Horse, Donkey, Mule, Pony	1	Bovine	1
Llama	3	Sheep	5
Goats	5	Deer	5

Grazing Animals not specifically addressed above will be reviewed on an individual basis prior to issuing a Permit. For the purpose of licensing Grazing Animals, juvenile animals not yet weaned residing on the property with their maternal parent will not count as an additional Grazing Animal and will not require an additional or amended Permit.

- i. **Pigs** are any swine not including pot-bellied pigs kept as household pets. For the purposes of licensing Pigs, juvenile animals not yet weaned residing on the property with their maternal parent will not count as additional Pigs and will not require an additional or amended Permit.
- j. **Penned Animals** are animals normally kept in a confined area out of the residential dwelling, including but not limited to poultry, waterfowl, rabbits or pigeons and excluding Grazing Animals and Pigs. For the purposes of licensing Penned Animals, under six (6) months of age residing on the property with their maternal parent will not count as additional Penned Animals and will not require an additional or amended Permit.

- k. **Household Pets** Household pets are animals that are normally kept inside a residential dwelling or commercial building including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds and various small rodents.
- l. **Non-Impervious Land** (NIL) is land in which precipitation is allowed to directly fall and penetrate into the soil, excluding any buildings, paved driveway, patios, decks, walkways, overhangs, shelters, swimming pools, or other barriers preventing the free flow of precipitation into the ground.
- m. **Manure Management Plan** (MMP) is a plan for the handling of manure and other wastes as outlined in Section 7 of these regulations. MMP shall address cleaning, composting, storage, utilization and removal of manure and other wastes.
- n. **Property** shall be any property used by the permit holder or applicant including but not limited to personally owned, family owned or leased property.

## **Section 2: Animal Permit: Initial Application**

Prior to keeping 6 or fewer Penned Animals within the Town of Walpole, the Person owning or keeping the animals shall apply to the Board of Health for a Permit. The applicant shall provide the BOH with a written application on form provided by the BOH including the number and type of animals to be kept. There is no Permit fee associated with keeping 6 or fewer Penned Animals.

Prior to keeping any animals, other than Household Pets or 6 or fewer Penned Animals, within the Town of Walpole, the Person owning or keeping the animals shall apply to the BOH for a Permit. The applicant shall provide the following information to the BOH, at least fourteen (14) days in advance of the Public Hearing on the Permit.

- a. A written application on a form provided by the Board of Health including the number and type of animals to be kept.
- b. Verification that all abutters have been notified, not more than thirty (30) but no less than fourteen (14) days in advance of the hearing before the Board of Health, of the applicant's intent. Such verification shall be in the form of a signed letter or a receipt from the U.S. Post Office that a certified letter has been received by each abutter.
- c. A plan, drawn to scale, which includes the following information:
  - The size of the entire lot or lots on which animals will be kept with the existing and planned structures, fences and wells clearly designated.
  - Distances between animal housing and enclosures from all Abutters
  - Any streams, ponds or wetlands on the lot or lots in which animals will be kept and the 100 year flood plain (maps available at Town Hall)
  - The boundaries or areas covered by Walpole's Water Resource Protection Overlay District (map available at Town Hall) with each area clearly designed on the plan.

An application fee of \$25.00.

## **Section 3: Action by Board of Health on Initial Permit**

- a. The Board of Health shall conduct a Public Hearing on all initial applications for an Animal Permit to keep animals other than Household Pets (no permit required) or 6 or fewer Penned Animals (no Public Hearing required) within the Town of Walpole.
- b. Notice of Public Hearing shall be advertised in a local paper, for one week, at the expense of the applicant, not more than thirty (30) and not less than seven (7) days before the Public Hearing.
- c. Upon the receipt of the completed application, the Approving Authority shall inspect the property.

- d. The Board of Health shall provide an opportunity for the applicant to address the proposal and for Abutters and others to express their concerns, questions, support or opposition to the application. The Board of Health may continue the hearing to another date within 30 days of the initial public hearing at its discretion or require the applicant to furnish additional information required by the Board of Health to make a determination whether to grant the permit.
- e. The burden shall be on the applicant to establish that the granting of a Permit shall not be detrimental in any way to the public health or welfare and will not endanger the health, safety or drinking water supplies of the community.
- f. Within thirty (30) days of the conclusion of the Public Hearing, the Board of Health shall act on the application for an Animal Permit and shall notify the applicant within one week of the decision and any conditions imposed by the Board of Health if the Permit is granted.
- g. The Board of Health shall issue a Permit to the applicant if the applicant, to the satisfaction of the Board of Health, has demonstrated that the proposed keeping of animals is in compliance with the regulations attached herein.
- h. Permits for keeping of animals shall be issued for a specific number and type of animals. Permits shall not be transferable as to the use of other premises.
- i. If a Permit is issued, it shall be issued to the owner of the property or the tenant of the property with written permission of the owner.

#### **Section 4: Modification of Permits**

- a. At the discretion and subject to inspection the Approving Authority, the Board of Health may allow the applicant to modify its permits by changing the number and type of animals specified on the Permit. Modification may be subject to notification of Abutters.
- b. Permit holder may change an Active Permit to an Inactive Permit by notifying the Board of Health that there are no animals currently on the premises. Inactive Permits are not subject to annual inspections. Inactive Permits may be reactivated subject to inspection by notifying the Board of Health.
- c. Board of Health may inactivate a permit if animals are not present and have not been present at any time for the past two years. Permit holder will be notified in writing by the Health Agent if their permit is inactivated. Permit holder will need to notify the Board of Health in order to reactivate the permit. Reactivation will be subject to inspection by Approving Authority.
- d. Any person who proposes to renovate a building or a portion thereof which as being used as a Stable, Pen or Housing, or proposes to construct a new building which is to be used in whole or in part as a Stable, Pen or Housing shall, prior to such renovation or construction, in accordance with Town of Walpole building requirements, submit plans in duplicate to the Board of Health for approval. Permits may be transferred or assigned between permit holders, for a given piece of property, subject to approval by the Board of Health. All transfers or assignments require prior inspection and may be subject to notification of abutters.

#### **Section 5: Corral or Paddock – Sizes and Distances, Fencing and Containment**

For purposes of determining whether the proposed number of animals will have a detrimental impact on public health, welfare bordering water supplies of the community, the applicant shall demonstrate that the following guidelines are either complied with or not applicable to their application.

- a. The lot on one Grazing Animal may be kept must have a minimum of 20,000 square feet of NIL plus 2,000 square feet of NIL for each additional Grazing Animal authorized on the animal permit.

- b.** The minimum square feet of NIL made available in a paddock or corral for each Grazing Animal shall be 2,000 square feet for the first Grazing Animal plus 300 square feet for each additional Grazing Animal.
- c.** The lot on which Pigs may be kept must have a minimum of 20,000 square feet of NIL.  
The minimum square feet of space made available for each Pig shall be:
  - 100 square feet of pen space for each Pig in a confinement management system or
  - 900 square feet of NIL for the first Pig and 300 square feet for each additional Pig in a pasture management system.
- d.** All fencing shall be adequate to contain the animals and constructed in compliance with Town of Walpole Zoning regulations.
- e.** All unattended animals, with the exception of pigeons and other flight birds, shall be confined to the Permit Holder's property at all times to prevent wandering and straying on other property
- f.** Pigeons may be allowed to fly free in accordance with standard industry practice but shall be managed in such a way as to not cause harm and to minimize intrusion to other property.
- g.** No Roosters may be kept in an area zoned residential or within 300 feet of an inhabited abutters residence.

**Section 6: Stable, Pen or Housing Construction (also applies to remodeling or adding to existing structures)**

- a.** Adequate permanent shelter is required to protect Grazing Animals or Pigs from the elements and must comply with point "b" below.
- b.** All Primary Stables, Pens or Housing used to contain Grazing Animals or Pigs shall"
  - Be a minimum of 50 feet from any lot line.
  - Where stalls are provided, ensure that stalls are large enough to enable the animal to stand up and lie down.
  - Provide adequate air space and ventilation per animal.
  - Compliance with the above regulations shall be determined by BOH based on guidelines as set forth by recognized organizations such as the MSPCA Division of Animal Health.
- c.** All Housing for Penned Animals shall:
  - Provide protection of the animals from the elements.
  - Provide for the animals, fresh food, water and adequate ventilation.

**Section 7: Manure and Bedding**

Applicant may file a Manure Management Plan (MMP), to be approved by the BOH prior to issuance of a Permit. MMP shall address clearing, composting, storage (including location in relation to wells), utilization and removal of manure. Such plan shall be reviewed by Approving Authority in accordance with standard industry practice. Approved MMP will act in place of Section 7 regulations. In lieu of filing a MMP, the following apply:

- a.** Clearing, management and disposal of manure shall be such as to minimize odors, breeding of flies and the attraction of vermin. Manure shall be collected and stockpiled at a single location, carefully chosen to maximize the distance from abutting properties and watercourse, and with due consideration of the prevailing winds.
- b.** All animal manure, wastes and soiled bedding shall be cleared daily from stalls.
- c.** All animals manure and wastes shall be cleared from corrals of less than 2,000 square feet at least once a week and as needed from enclosures of greater than 2,000 square feet between May 1 to September 30

in order to comply with “a” above. Manure and waste shall be cleared from all enclosures as needed from October 1 to April 30.

- d. Stockpiled manure, waste and soiled bedding shall be removed at least every two weeks from May 1 to September 30 and at least monthly from October 1 to April 30.
- e. Manure, waste or soiled bedding shall be privately disposed of by the permit holder and shall not be placed in the garbage collected by the Town of Walpole.
- f. No manure, wastes and soiled bedding from stables, corrals or pens shall be stored within ten (10) feet of any inhabited residence nor within 100 feet from any property line.
- g. The storage of manure, wastes and soiled bedding and the maintenance of pens or corrals for animals shall not interfere with any abutters rights to the use and enjoyment of their property. The BOH or its agent shall investigate any complaints of offensive odor, noise, or pests (such as rats, mice, insects, flies or mosquitoes) associated with the keeping of animals within the Town of Walpole and may at any time revoke a permit to keep animals within the Town or require additional preventive measures, in accordance with Section 11 of these regulations.

### **Section 8: Sanitary Requirements**

- a. No applicant shall willfully or through negligence, cause, suffer, allow or permit:
  - The floor and or ground of the facility for the keeping of animals, through design, construction or maintenance, to cause or contribute to unsanitary conditions at said facility.
  - Drainage of any liquid effluent containing urine and/or fecal matter from any animal kept at said facility from the property, or to flow over the surface of the ground on to abutting property, public way, watercourse, body of water, or wetland area.
- b. All animals shall be kept clean and in good health. No animal shall be abused either directly or by neglect.
- c. All opened animal food, except for household pets shall be stored in a rodent-proof container.
- d. Whenever necessary, insecticides such as space sprays or resin strips should be applied to the interior walls, ceiling, stall areas and exterior of Stables, Pens or Housing in order to control the insect population. All insecticides shall be approved by the Dept. of Public Health and the Dept. of Environmental Protection and should be applied, in accordance with the instruction for the use of that insecticide.
- e. Bedding shall consist of peat moss, chopped straw, pine wood chips, hay, shavings or like absorbent substances but shall not contain in whole or part any wool waste.

### **Section 9: Renewals and Inspection**

- a. An inspection shall be required before the annual renewal of the Permit.
- b. The Permit shall be renewed annually, subject to inspection, on or before December 31.
- c. Initial Permit holder applicants shall be provided with a copy of the current regulations upon application.
- d. Inactive Permits will not be inspected annually.

### **Section 10: Complaints**

Within three (3) working days of the receipt of a complaint, Approving Authority shall investigate the matter and provide a response to both the complainant and the Permit holder.

### **Section 11: Enforcement**

- a. Inspections may be performed at any reasonable time by Approving Authority without prior notification.

- b. Approving Authority shall investigate any complaints associated with the keeping of animals within the Town of Walpole and may require additional preventive measures to mitigate public health risk in cases of non-compliance with these regulations or with any additional preventative measures required by the BOH, the BOH will enforce these rules and regulations or revoke a Permit to keep animals within the Town.
- c. After written notification from the BOH noting violations of these regulations, the Permit holder shall have ten (10) working days, or such time as is allowed in the notification to correct such violations. Failure to correct such violations shall result in that Person being subject to fines and penalties as outlined in these regulations.
- d. After written notification from the BOH, any Person housing or keeping animals without a Permit shall within twenty-four (24) hours, or such time as is allowed in the notification, remove said animal(s) from the premise until such time as a Permit is issued.
- e. Permits may be revoked or suspended by the BOH if it is determined that any of the following has occurred:
  - Continued keeping of these animals constitutes a public safety or health risk.
  - The animal(s) are not properly cared for.
  - The facts contained in the application or as represented by the application to the BOH are inaccurate.
  - The Permit holder is keeping animals either not listed on the current Permit or in greater numbers than indicated on the current Permit.
- f. The holder of any Permit revoked or suspended, shall be notified of such action by certified mail. A person so aggrieved may petition the BOH for a hearing at the next BOH meeting unless the agenda for the meeting has already been posted in which case the hearing shall be at the subsequent BOH meeting. The applicant may be permitted to keep said animal(s) on the premise until the BOH hearing so long as it does not find that the keeping of the animal(s) poses an immediate threat to the public health and safety, in which case the animal(s) must be removed within twenty-four (24) hours of the receipt of the notice or such time as indicated in the notice.
- g. Any Person who violates any provisions of the above regulations or a regulation or order made thereunder, may be punished by a fine of \$50.00 for each day such violation continues.
- h. The Board of Health, upon notice by certified mail to the holder of a permit, may reduce the number of animals of any type authorized by the initial permit to the maximum number of animals by type that the applicant has in fact had on the premise at any time in the prior three years. The permit holder may request a hearing before the Board of Health to present evidence that the number of animals assumed by the BOH is incorrect.

## **Section 12: Variances**

The Board of Health may vary the application or any provision of these regulations in any particular case when, in its opinion, the enforcement would manifest an injustice and the issue of a variance will not adversely impact the public health, safety or welfare. Any applicant requesting a variance shall comply with the Permit application requirements outlined in Section 2 and shall set forth in the application the regulations from which a variance is sought and the reasons why the issuance of a variance would be in the public interest.

## **Section 13: Annual Permit Fees**

The fee for an Animal Permit (Active or Inactive) shall be as follows:

- For Penned Animals numbering more than 6 and/or Grazing Animals, the fee shall be \$25.00

#### **Section 14: Grandfather Clause**

Anyone keeping animals under an existing Permit issued by the BOH, on or before June 30, 1998 shall be subject to these regulations except for provisions relating to setback and lot sizes, unless or until their existing Permit is revoked by the BOH as set forth in Section 11.

#### **Section 15: Severability**

If any provision of these regulations are declared invalid or unenforceable, the other provisions shall not be affected by this determination and shall remain in full force and effect.

These regulations were adopted by the Board of Health on February 13, 1973, to become effective on March 12, 1973 and amended June 1, 1976, October 18, 1977, July 18, 1978, October 16, 1980, April 18, 1991, September 29, 1992, May 11, 1993, February 11, 1996, October 28, 1998, August 17, 2000, January 9, 2001.